

**NINETY-THIRD LEGISLATIVE DAY
TUESDAY, APRIL 11, 2006**

House of Representatives

The House convened at 10 a.m., the Speaker in the Chair.

Roll call showed 67 members present.

Absent and excused -- Bolz, Mitchell, Trail. Total -- 3.
Total -- 70.

Prayer was offered by Chaplain Jim Hardenbrook.

The Pledge of Allegiance was led by Ellie Wladyka, Page.

Approval of Journal

April 11, 2006

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Ninety-second Legislative Day and recommend that same be adopted as corrected.

FIELD(18), Chairman

Mrs. Field(18) moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

**Consideration of Messages from the
Governor and the Senate**

OFFICE OF THE GOVERNOR
Boise

April 10, 2006

The Honorable Bruce Newcomb
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House Bills, to wit:

H 833, H 714, as amended, as amended in the Senate, **H 723**, as amended in the Senate, **H 770**, as amended in the Senate, as amended in the Senate, **H 820, H 822, H 825, H 832**, as amended, **H 845, H 846, H 847, H 848, H 858, H 860**, and **H 864**

Very truly yours,
/s/ DIRK A. KEMPTHORNE
Governor

April 11, 2006

Mr. Speaker:

I return herewith enrolled **HCR 63** which has been signed by the President.

WOOD, Secretary

Enrolled **HCR 63** was referred to the Judiciary, Rules, and Administration Committee for delivery to the Secretary of State.

Report of Standing Committees

April 11, 2006

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled **H 673**, as amended in the Senate, to the Governor at 4:12 p.m., as of this date, April 10, 2006.

FIELD(18), Chairman

There being no objection, the House advanced to the Eleventh Order of Business.

Third Reading of Bills and Joint Resolutions

S 1243, as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Moyle to open debate.

Mr. Moyle asked unanimous consent that, pursuant to Rule 22, discussion of other bills be allowed in debate of **S 1243**, as amended. There being no objection, it was so ordered.

The question being, "Shall **S 1243**, as amended, pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Brackett, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Wills, Wood, Mr. Speaker. Total -- 67.

NAYS -- None.

Absent and excused -- Bolz, Mitchell, Trail. Total -- 3.
Total -- 70.

Whereupon the Speaker declared **S 1243**, as amended, passed the House. Title was approved and the bill was ordered returned to the Senate.

S 1247 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Moyle to open debate.

The question being, "Shall **S 1247** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Brackett, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydallch, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Wills, Wood, Mr. Speaker. Total -- 67.

NAYS -- None.

Absent and excused -- Bolz, Mitchell, Trail. Total -- 3.

Total -- 70.

Whereupon the Speaker declared **S 1247** passed the House. Title was approved and the bill was ordered returned to the Senate.

S 1429 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Moyle to open debate.

The question being, "Shall **S 1429** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Brackett, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Kemp, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rydallch, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smylie, Snodgrass, Stevenson, Wills, Wood, Mr. Speaker. Total -- 64.

NAYS -- Lake, Rusche, Smith(24). Total -- 3.

Absent and excused -- Bolz, Mitchell, Trail. Total -- 3.

Total -- 70.

Whereupon the Speaker declared **S 1429** passed the House. Title was approved and the bill was ordered returned to the Senate.

There being no objection, the House returned to the Fourth Order of Business.

Consideration of Messages from the Governor and the Senate

April 11, 2006

Mr. Speaker:

I transmit herewith enrolled **S 1243**, as amended, **S 1247**, and **S 1429** for the signature of the Speaker.

WOOD, Secretary

The Speaker announced he was about to sign enrolled **S 1243**, as amended, **S 1247**, and **S 1429** and, when so signed, ordered them returned to the Senate.

Report of Standing Committees

April 11, 2006

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled **HCR 63** to the Secretary of State at 11:11 a.m., as of this date, April 11, 2006.

FIELD(18), Chairman

S 1501, held at the Desk April 7, 2006, was referred to General Orders.

There being no objection, the House advanced to the Seventh Order of Business.

Motions, Memorials, and Resolutions

HOUSE RESOLUTION NO. 3 BY WAYS AND MEANS COMMITTEE A HOUSE RESOLUTION

PROVIDING FOR THE AMENDMENT OF RULE 57 OF THE RULES OF THE HOUSE OF REPRESENTATIVES.

Be It Resolved by the House of Representatives of the State of Idaho:

WHEREAS, the House of Representatives deems it necessary and desirable to amend Rule 57 of the Rules of the House of Representatives.

NOW, THEREFORE, BE IT RESOLVED by the members of the House of Representatives, assembled in the Second Regular Session of the Fifty-eighth Idaho Legislature, that Rule 57 of the Rules of the House of Representatives shall be amended to read as follows:

RULE 57

Committee Meetings, ~~Attendance to be Open, Executive Sessions Limited, Disruption of Meetings.~~ --(1) All regular meetings of any standing, special or select committee of the House of Representatives shall be open to the public at all times. Any person may attend any meeting of any standing or select or special committee, but may participate in said committee only with the approval of the committee itself. ~~Such committee may resolve itself into executive session upon the vote of two-thirds of the membership of the committee, at which time persons who are not members of the legislature may be excluded, provided however, that during such executive session, no votes or official action may be taken.~~

(2) Executive sessions of a standing, special or select committee of the House of Representatives shall be limited and undertaken only when necessitated by extraordinary circumstances as provided in this rule. Except in an emergency involving security or threats against state citizens, resources or facilities, an executive session may be considered by a committee

only after the committee has given public notice at least twenty-four hours in advance of the meeting that the committee will have before it a request to meet in executive session, has listed the person(s) or agency that has requested the executive session, and has described the reason(s) for which an executive session has been requested. Only after the committee chairman has identified the reason(s) for holding the executive session and only upon a two-thirds vote recorded in the minutes of the meeting of the committee, shall a committee be allowed to hold an executive session during any meeting, at which time persons who are not members of the legislature may be excluded. Executive sessions shall be held only when and to the extent necessary to: discuss records that are exempt from public disclosure by statute, court decision or court rule; consider pending litigation, mediation or arbitration; consider personnel decisions involving a legislative employee; conduct a preliminary investigation of an ethics complaint against a member under House Rule 76; consider charges brought against or the discipline or dismissal of a member when public disclosure would harm an innocent third party; discuss the security of or threats against state citizens, resources or facilities; or discuss acquiring an interest in real property which is not owned by a public agency. Under no circumstances, however, shall an executive session be authorized or held for the purpose of taking any final action or making any final decision, and during such executive session, no votes or official action may be taken.

(3) Nothing in this rule shall prohibit the removal of any person who willfully disrupts a meeting to the extent that orderly conduct is seriously compromised.

HOUSE RESOLUTION NO. 4
BY WAYS AND MEANS COMMITTEE
 A HOUSE RESOLUTION

PROVIDING FOR THE AMENDMENT OF RULE 76 OF THE RULES OF THE HOUSE OF REPRESENTATIVES.

Be It Resolved by the House of Representatives of the State of Idaho:

WHEREAS, the House of Representatives deems it necessary and desirable to amend Rule 76 of the Rules of the House of Representatives.

NOW, THEREFORE, BE IT RESOLVED by the members of the House of Representatives, assembled in the Second Regular Session of the Fifty-eighth Idaho Legislature, that Rule 76 of the Rules of the House of Representatives shall be amended to read as follows:

RULE 76

Committee on Ethics.--(1) The Speaker shall receive written, signed complaints from any person concerning misconduct involving legislative duties by a member of the House including, but not limited to, the alleged violation of the Rules of the House of Representatives and the provisions of applicable law. Whenever such a complaint is received, the Speaker shall appoint a committee on ethics of seven members, consisting of four majority party members, and three minority party members. The majority party members of the committee shall be selected from among the chairmen of committees of reference of the House.

The minority party members of the committee shall be selected, after considering recommendations made by the minority leader, from among the members of the House who are senior in service and experience. The Speaker shall designate the chairman and vice chairman of the committee from among its members.

(2) The committee shall notify the person against whom the complaint was brought and shall provide such person with a copy of the complaint. The person complained against may submit a written answer to the committee. The committee shall make a preliminary investigation of the complaint. If, after investigation, the committee determines no violation has occurred, the complaint shall be dismissed. If, after investigation, the committee determines probable cause exists that a violation may have occurred, the committee shall so notify the person complained against. Such person may request a hearing before the committee, before which he shall be entitled to appear, present evidence, cross-examine witnesses, and be represented by counsel. The committee shall have the power to take testimony under oath and to issue subpoenas and subpoenas duces tecum in the manner provided in Section 67-407, Idaho Code.

~~(3) All proceedings of the committee shall be governed by the provisions of Section 67-2345, Idaho Code.~~

~~(4)~~ The committee may make appropriate recommendations to the House of Representatives based upon the investigations conducted and hearings held pursuant to this rule. In the case of a member of the House, the committee may recommend dismissal of the charges, reprimand, censure, or expulsion. Expulsion of a House member shall require the affirmative vote of two-thirds of the members elected to the House, as provided by Section 11 of Article III of the Constitution. Reprimand or censure of a member shall require the affirmative vote of a majority of the members elected to the House. Action of the House pursuant to this rule is final and not subject to court review.

~~(54)~~ The committee may retain such counsel and may hire such investigators as it deems necessary for the performance of its duties under this rule. All expenditures incurred pursuant to this subsection ~~(54)~~ shall be approved by the Speaker and paid by vouchers and warrants drawn as provided by law from appropriations made to the Legislative Account.

~~(65)~~ The committee may adopt rules of procedure for the orderly conduct of committee meetings, investigations and hearings, which rules shall be consistent with this rule and other applicable rules and statutes.

~~(76)~~ If the written signed complaint concerns misconduct of the Speaker, then the duties of the Speaker in this rule shall be the duties of the majority floor leader.

HR 3 and HR 4 were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

There being no objection, the House returned to the Fourth Order of Business.

**Consideration of Messages from the
Governor and the Senate**

OFFICE OF THE GOVERNOR
Boise

April 11, 2006

The Honorable Bruce Newcomb
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House Bills, to wit:

H 862 and H 857

Very truly yours,
/s/ DIRK A. KEMPTHORNE
Governor

There being no objection, the House advanced to the Twelfth Order of Business.

Consideration of General Orders

Mr. Denney moved that the House do now resolve itself into a Committee of the Whole House for the consideration of General Orders. Seconded by Ms. Jaquet. Motion carried.

Whereupon the House resolved itself into a Committee of the Whole House for the consideration of General Orders with Mr. Moyle in the Chair.

When the Committee of the Whole House rose, the Speaker returned to the Chair and the House was in order.

Report of the Committee of the Whole House

April 11, 2006

Mr. Speaker:

We, your COMMITTEE OF THE WHOLE HOUSE, report that we have had under consideration **S 1501** and report it back without recommendation, amended as follows:

HOUSE AMENDMENTS TO S 1501

AMENDMENTS TO SECTION 1

On page 1 of the printed bill, delete lines 9 and 10 and insert:

"SECTION 1. The Legislature finds that the issue of property taxes is of impor-"; delete lines 15 through 19 and insert: "to reducing property taxes and replacing the funds with an increase in the state sales tax."; delete lines 25 through 29 and insert:

""Shall property taxes be reduced and the funds be replaced by an increase in the state sales tax?"". "

AMENDMENT TO THE BILL

On page 1, following line 32 insert:

"SECTION 2. That Section 33-802, Idaho Code, be, and the same is hereby amended to read as follows:

33-802. SCHOOL LEVIES. Any tax levied for school purposes shall be a lien on the property against which the tax is

levied. The board of trustees shall determine the levies upon each dollar of taxable property in the district for the ensuing fiscal year as follows:

1. Bond, Interest and Judgment Obligation Levies. Such levies as shall be required to satisfy all maturing bond, bond interest, and judgment obligations.

2. Maximum School Maintenance and Operation Levies. Such levies for maintaining and operating the schools of the district and for the payment of tuition and transportation, that do not exceed an amount equal to four-tenths of one percent (.4%) during tax year 1994, and do not exceed an amount equal to three-tenths of one percent (.3%) during tax year 1995 ~~and thereafter~~ through tax year 2005, applied to the actual or adjusted market value for assessment purposes of the district as such valuation existed on December 31 of the previous year, but allowances necessary as a credit for prepaid taxes, as provided in section 63-1607, Idaho Code, shall not be included in such maximum levies. Provided however, that in the event property within a district's boundaries is contained in a revenue allocation area established under chapter 29, title 50, Idaho Code, and such revenue allocation area has given notice of termination thereunder, then, only for the purpose of determining the levy described in this subsection, the district may add the increment value, as defined in section 50-2903, Idaho Code, to the actual or adjusted market value for assessment purposes of the district as such value existed on December 31 of the previous year. For tax year 2006, and each year thereafter, the maximum levy of this subsection 2. shall not exceed an amount equal to the following percentage as applied pursuant to this section:

(a) Multiply the amount of money raised statewide in the prior year, pursuant to this section, by 1.03;

(b) Subtract the value of any increase in statewide market value for assessment purposes resulting from new construction or change of land use classification as evidenced by the value shown on the prior year's new construction roll compiled pursuant to section 63-301A, Idaho Code, from the actual or adjusted statewide market value as such valuation existed on December 31 of the previous year;

(c) Divide the amount in subsection 2.(a) of this section by the amount in subsection 2.(b) of this section.

3. Authorized School Maintenance and Operation Levies. Such levies for maintaining and operating the schools of the district and for the payment of tuition and transportation that do not exceed one hundred eleven percent (111%) of the local district's contribution authorized in subsection 2. of section 33-1002, Idaho Code. Implementation of the provisions of this subsection shall be authorized only after approval by a majority of the district's electors voting on the question. Levies otherwise authorized by law shall not require an election.

4. Supplemental Maintenance and Operation Levies. No levy in excess of the levy permitted by subsection 2. or 3. of this section shall be made by a noncharter school district unless such a supplemental levy in a specified amount and for a specified time not to exceed two (2) years be first authorized through an election held pursuant to chapter 4, title 33, Idaho Code, and approved by a majority of the district electors voting in such election. A levy approved pursuant to this subsection may be reduced by a majority vote of the board of trustees in the second year.

5. Charter District Supplemental Maintenance and Operation.

Levies pursuant to the respective charter of any such charter district shall be first authorized through an election held pursuant to chapter 4, title 33, Idaho Code, and approved by a majority of the district electors voting in such election.

6. The Local District Contribution. The local school district contribution levy is the amount utilized for calculating local district participation in the educational foundation program, which is applied to the adjusted market value for assessment purposes, as such valuation existed on December 31 of the previous year, together with the increment value, as defined in section 50-2903, Idaho Code, if applicable under the circumstance described in subsection 2. of this section, relating to termination of a revenue allocation area.

7. The board of trustees of any school district that has, for at least seven (7) consecutive years, been authorized through an election held pursuant to chapter 4, title 33, Idaho Code, to certify a supplemental levy that has annually been equal to or greater than twenty percent (20%) of the total general maintenance and operation fund, may submit the question of an indefinite term supplemental levy to the electors of the school district. Such question shall clearly state the dollar amount that will be certified annually and that the levy will be for an indefinite number of years. The question must be approved by a majority of the district electors voting on the question in an election held pursuant to chapter 4, title 33, Idaho Code. The levy approved pursuant to this subsection may be reduced by a majority vote of the board of trustees during any fiscal year.

SECTION 3. That Section 33-1002, Idaho Code, be, and the same is hereby amended to read as follows:

33-1002. Educational support program. The educational support program is calculated as follows:

1. State Educational Support Funds. Add the state appropriation, including the moneys available in the public school income fund, together with all miscellaneous revenues to determine the total state funds.

2. From the total state funds subtract the following amounts needed for state support of special programs provided by a school district:

- Pupil tuition-equivalency allowances as provided in section 33-1002B, Idaho Code;
- Transportation support program as provided in section 33-1006, Idaho Code;
- Feasibility studies allowance as provided in section 33-1007A, Idaho Code;
- The approved costs for border district allowance, provided in section 33-1403, Idaho Code, as determined by the state superintendent of public instruction;
- The approved costs for exceptional child approved contract allowance, provided in subsection 2. of section 33-2004, Idaho Code, as determined by the state superintendent of public instruction;
- Certain expectant and delivered mothers allowance as provided in section 33-2006, Idaho Code;
- Salary-based apportionment calculated as provided in sections 33-1004 through 33-1004F, Idaho Code;
- Unemployment insurance benefit payments according to the provisions of section 72-1349A, Idaho Code;

i. For expenditure as provided by the public school technology program;

j. For the support of provisions that provide a safe environment conducive to student learning and maintain classroom discipline, an allocation of \$300 per support unit; and

k. Any additional amounts as required by statute to effect administrative adjustments or as specifically required by the provisions of any bill of appropriation;

to secure the state educational support funds.

3. Local Districts' Contribution Calculation. Without including any allowance as a credit for prepaid taxes as provided by section 63-1607, Idaho Code, the local districts' contribution shall be the amount appropriated pursuant to section 33-1002D, Idaho Code, plus ~~three-tenths percent (.3%) during fiscal year 2003-04 and each year thereafter, a percentage~~ of the total state adjusted market value for assessment purposes for the previous year, with such percentage being determined pursuant to section 33-802, Idaho Code, and with such value being determined by the provisions of section 63-315, Idaho Code, and four-tenths percent (.4%) during fiscal year 1994-95 and each year thereafter, of the cooperative electrical associations' property values that have been derived from the taxes paid in lieu of ad valorem taxes for the previous year as provided in section 63-3502, Idaho Code.

4. Educational Support Program Distribution Funds. Add the local districts' contribution, subsection 3. of this section, and the state educational support program funds, subsection 1. of this section, together to secure the total educational support program distribution funds.

5. Average Daily Attendance. The total state average daily attendance shall be the sum of the average daily attendance of all of the school districts of the state. The state board of education shall establish rules setting forth the procedure to determine average daily attendance and the time for, and method of, submission of such report. Average daily attendance calculation shall be carried out to the nearest hundredth. Computation of average daily attendance shall also be governed by the provisions of section 33-1003A, Idaho Code.

6. Support Units. The total state support units shall be determined by using the tables set out hereafter called computation of kindergarten support units, computation of elementary support units, computation of secondary support units, computation of exceptional education support units, and computation of alternative school secondary support units. The sum of all of the total support units of all school districts of the state shall be the total state support units.

COMPUTATION OF KINDERGARTEN SUPPORT UNITS

Average Daily

Attendance	Attendance	Divisor	Units Allowed
41 or more	40.....	1 or more as computed
31 - 40.99 ADA....		1
26 - 30.99 ADA....	85
21 - 25.99 ADA....	75
16 - 20.99 ADA....	6
8 - 15.99 ADA....	5
1 - 7.99 ADA....		count as elementary

COMPUTATION OF ELEMENTARY SUPPORT UNITS

Average Daily

Attendance	Attendance Divisor	Minimum Units Allowed
300 or more ADA.....	20.....	15
..23...grades 4,5 & 6....		
..22...grades 1,2 & 3....1994-95		
..21...grades 1,2 & 3....1995-96		
..20...grades 1,2 & 3....1996-97		
and each year thereafter.		
160 to 299.99 ADA...20.....		8.4
110 to 159.99 ADA...19.....		6.8
71.1 to 109.99 ADA...16.....		4.7
51.7 to 71.0 ADA... 15.....		4.0
33.6 to 51.6 ADA... 13.....		2.8
16.6 to 33.5 ADA... 12.....		1.4
1.0 to 16.5 ADA... n/a.....		1.0

COMPUTATION OF SECONDARY SUPPORT UNITS

Average Daily	Attendance	Attendance Divisor	Minimum Units Allowed
750 or more	....	18.5.....	47
400 - 749.99 ADA....	16.....		28
300 - 399.99 ADA....	14.5.....		22
200 - 299.99 ADA....	13.5.....		17
100 - 199.99 ADA....	12.....		9
99.99 or fewer	Units allowed as follows:		
Grades 7-12	.....		8
Grades 9-12	.....		6
Grades 7- 9	.....		1 per 14 ADA
Grades 7- 8	.....		1 per 16 ADA

COMPUTATION OF EXCEPTIONAL EDUCATION SUPPORT UNITS

Average Daily	Attendance	Attendance Divisor	Minimum Units Allowed
14 or more	14.5.....		1 or more as computed
12 - 13.99....	-.....		1
8 - 11.99....	-.....		.75
4 - 7.99....	-.....		.5
1 - 3.99....	-.....		.25

COMPUTATION OF ALTERNATIVE SCHOOL SECONDARY SUPPORT UNITS

Pupils in Attendance	Attendance Divisor	Minimum Units Allowed
12 or more.....	12.....	1 or more as computed

In applying these tables to any given separate attendance unit, no school district shall receive less total money than it would receive if it had a lesser average daily attendance in such separate attendance unit. In applying the kindergarten table to a kindergarten program of less days than a full school year, the support unit allowance shall be in ratio to the number of days of a full school year. The tables for exceptional education and alternative school secondary support units shall be applicable only for programs approved by the state department of education following rules established by the state board of education. Moneys generated from computation of support units for alternative schools shall be utilized for alternative school programs. School district administrative and facility costs may be included as part of the alternative school expenditures.

7. State Distribution Factor per Support Unit. Divide

educational support program distribution funds, after subtracting the amounts necessary to pay the obligations specified in subsection 2. of this section, by the total state support units to secure the state distribution factor per support unit.

8. District Share of State Funds for Educational Support Program. Ascertain a district's share of state funds for the educational support program as follows:

a. District Contribution Calculation. Without including any allowance as a credit for prepaid taxes, as provided in section 63-1607, Idaho Code, the district contribution calculation shall be the rate determined under subsection 3. of this section.

b. District Support Units. The number of support units for each school district in the state shall be determined as follows:

(1) Divide the actual average daily attendance, excluding students approved for inclusion in the exceptional child educational program, for the administrative schools and each of the separate schools and attendance units by the appropriate divisor from the tables of support units in this section, then add the quotients to obtain the district's support units allowance for regular students, kindergarten through grade 12 including alternative school secondary students. Calculations in application of this subsection shall be carried out to the nearest tenth.

(2) Divide the combined totals of the average daily attendance of all preschool, handicapped, kindergarten, elementary, secondary and juvenile detention center students approved for inclusion in the exceptional child program of the district by the appropriate divisor from the table for computation of exceptional education support units to obtain the number of support units allowed for the district's approved exceptional child program. Calculations for this subsection shall be carried out to the nearest tenth when more than one (1) unit is allowed.

(3) The total number of support units of the district shall be the sum of the total support units for regular students, subsection 8.b.(1) of this section, and the support units allowance for the approved exceptional child program, subsection 8.b.(2) of this section.

c. Total District Allowance Educational Program. Multiply the district's total number of support units, carried out to the nearest tenth, by the state distribution factor per support unit and to this product add the approved amount of programs of the district provided in subsection 2. of this section to secure the district's total allowance for the educational support program.

d. District Share. To secure the district's share of state apportionment, subtract the amount of the local district contribution calculation, subsection 3. of this section, from the amount of the total district allowance, subsection 8.c. of this section.

e. Adjustment of District Share. The contract salary of every noncertificated teacher shall be subtracted from the district's share as calculated from the provisions of subsection 8.d. of this section.

9. Property Tax Computation Ratio. In order to receive state funds pursuant to this section a charter district shall utilize a school maintenance and operation property tax computation ratio

for the purpose of calculating its maintenance and operation levy, that is no greater than that which it utilized in tax year 1994, less the difference between the maximum levy rate permitted by section 33-802 2., Idaho Code, and four-tenths of one percent (.4%). As used herein, the term "property tax computation ratio" shall mean a ratio determined by dividing the district's certified property tax maintenance and operation budget by the actual or adjusted market value for assessment purposes as such values existed on December 31, 1993. Such maintenance and operation levy shall be based on the property tax computation ratio multiplied by the actual or adjusted market value for assessment purposes as such values existed on December 31 of the prior calendar year.

SECTION 4. SEVERABILITY. The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this act.

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval, and retroactively to January 1, 2006."

CORRECTION TO TITLE

On page 1, delete lines 2 and 3 and insert:

"RELATING TO PROPERTY TAXES; STATING LEGISLATIVE FINDINGS, SUBMITTING AN ADVI-"; and in line 7, following "EXPENDITURES" insert: "; AMENDING SECTION 33-802, IDAHO CODE, TO REVISE HOW MAXIMUM SCHOOL MAINTENANCE AND OPERATION LEVIES ARE CALCULATED FOR TAX YEAR 2006, AND EACH YEAR THEREAFTER; AMENDING SECTION 33-1002, IDAHO CODE, TO REVISE THE LOCAL DISTRICTS' CONTRIBUTION CALCULATION, TO PROVIDE A PROPERTY TAX COMPUTATION RATIO FOR CHARTER SCHOOL DISTRICTS THAT MUST BE UTILIZED FOR THE CHARTER DISTRICT TO BE ELIGIBLE TO RECEIVE STATE FUNDS AND TO DEFINE "PROPERTY TAX COMPUTATION RATIO"; PROVIDING SEVERABILITY; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION".

We have also had under consideration **H 677** and **H 789**, report progress and beg leave to sit again.

MOYLE, Chairman

Mr. Moyle moved that the report be adopted. Seconded by Mr. Denney.

Whereupon the Speaker declared the report adopted.

S 1501, as amended, was filed for first reading.

H 677 and **H 789** were retained on General Orders.

The amendments were referred to Judiciary, Rules, and

Administration committee for printing.

There being no objection, the House returned to the Fifth Order of Business.

Report of Standing Committees

April 11, 2006

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION report that we have printed **HR 3** and **HR 4** and House Amendments to **S 1501**.

FIELD(18), Chairman

HR 3 and **HR 4** were filed for second reading.

There being no objection, the House advanced to the Eighth Order of Business.

Introduction, First Reading, and Reference of Bills and Joint Resolutions

S 1501, as amended in the House, by State Affairs Committee, was introduced, read the first time by title, and filed for second reading.

There being no objection, the House returned to the Seventh Order of Business.

Motions, Memorials, and Resolutions

At this time, Mr. Denney took the Chair.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of **HR 3** be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that **HR 3** be read the first time by title, second time by title, and third time at length, and placed before the House for final consideration. Seconded by Ms. Jaquet.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Brackett, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydall, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Wills, Wood, Mr. Speaker. Total -- 68.

NAYS -- None.

Absent and excused -- Mitchell, Trail. Total -- 2.

Total -- 70.

Whereupon the Speaker Pro Tem declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and **HR 3** was read the first time by title, second time by title, and third time at length, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Speaker to open debate.

Ms. Jaquet asked unanimous consent that, pursuant to Rule 22, discussion of other bills be allowed in debate of be adopted. There being no objection, it was so ordered.

The question being, "Shall **HR 3** be adopted?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Brackett, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henderson, Kemp, Lake, Loertscher, Mathews, McGeachin, McKague, Miller, Moyle, Nielsen, Nonini, Raybould, Ring, Roberts, Rydalch, Sali, Schaefer, Shepherd(8), Shirley, Skippen, Smith(24), Smylie, Snodgrass, Stevenson, Wills, Wood, Mr. Speaker. Total -- 56.

NAYS -- Boe, Henbest, Jaquet, LeFavour, Martinez, Pasley-Stuart, Pence, Ringo, Rusche, Sayler, Shepherd(2), Smith(30). Total -- 12.

Absent and excused -- Mitchell, Trail. Total -- 2.
Total -- 70.

Whereupon the Speaker Pro Tem declared that more than two-thirds of the membership having voted in the affirmative, **HR 3** passed the House. Title was approved and the resolution was ordered filed in the office of the Chief Clerk.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of **HR 4** be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that **HR 4** be read the first time by title, second time by title, and third time at length, and placed before the House for final consideration. Seconded by Mr. Sayler.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Brackett, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Wills,

Wood, Mr. Speaker. Total -- 68.

NAYS -- None.

Absent and excused -- Mitchell, Trail. Total -- 2.
Total -- 70.

Whereupon the Speaker Pro Tem declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and **HR 4** was read the first time by title, second time by title, and third time at length, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Speaker to open debate.

The question being, "Shall **HR 4** be adopted?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Brackett, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henderson, Kemp, Lake, Loertscher, Mathews, McGeachin, McKague, Miller, Moyle, Nielsen, Nonini, Raybould, Ring, Roberts, Rydalch, Sali, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(24), Smylie, Snodgrass, Stevenson, Wills, Wood, Mr. Speaker. Total -- 57.

NAYS -- Boe, Henbest, Jaquet, LeFavour, Martinez, Pasley-Stuart, Pence, Ringo, Rusche, Sayler, Smith(30). Total -- 11.

Absent and excused -- Mitchell, Trail. Total -- 2.
Total -- 70.

Whereupon the Speaker Pro Tem declared that more than two-thirds of the membership having voted in the affirmative, **HR 4** passed the House. Title was approved and the resolution was ordered filed in the office of the Chief Clerk.

At this time, the Speaker took the Chair.

Mr. Denney moved that all rules of the House interfering with the immediate consideration of **S 1501**, as amended in the House, be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that **S 1501**, as amended in the House, be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Sayler.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Brackett, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence,

Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Wills, Wood, Mr. Speaker. Total -- 68.

NAYS -- None.

Absent and excused -- Mitchell, Trail. Total -- 2.

Total -- 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and **S 1501**, as amended in the House, was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Roberts to open debate.

Mr. Clark asked unanimous consent that, pursuant to Rule 22, discussion of other bills be allowed in debate of **S 1501**, as amended in the House. There being no objection, it was so ordered.

The question being, "Shall **S 1501**, as amended in the House, pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Brackett, Bradford, Chadderdon, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Henderson, Kemp, Lake, Loertscher, Mathews, McGeachin, McKague, Miller, Moyle, Nielsen, Nonini, Raybould, Ring, Roberts, Rusche, Rydalch, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smylie, Snodgrass, Stevenson, Wills, Wood, Mr. Speaker. Total -- 54.

NAYS -- Boe, Cannon, Clark, Hart, Harwood, Henbest, Jaquet, LeFavour, Martinez, Mitchell, Pasley-Stuart, Pence, Ringo, Smith(30), Smith(24), Trail. Total -- 16.

Paired Votes:

AYE -- Ellsworth. NAY -- Trail.

AYE -- McGeachin. NAY -- Jaquet.

AYE -- Bastian. NAY -- Mitchell.

(Pairs enumerated in roll call above.)

Total -- 70.

Whereupon the Speaker declared **S 1501**, as amended in the House, passed the House. Title was approved and the bill was ordered returned to the Senate.

There being no objection, the House advanced to the Eleventh Order of Business.

Third Reading of Bills and Joint Resolutions

Mr. Roberts asked unanimous consent that **H 859** be returned to the Revenue and Taxation Committee. There being no objection, it was so ordered.

H 421, as amended in the Senate, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Lake to open debate.

The question being, "Shall **H 421**, as amended in the Senate, pass?"

Roll call resulted as follows:

AYES -- Anderson, Barraclough, Bastian, Bayer, Bell, Bilbao, Black, Block, Boe, Bolz, Brackett, Bradford, Cannon, Chadderdon, Clark, Collins, Deal, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Henbest, Henderson, Kemp, Lake, LeFavour, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Wills, Mr. Speaker. Total -- 60.

NAYS -- Andrus, Barrett, Bedke, Crow, Denney, Harwood, Loertscher, Wood. Total -- 8.

Absent and excused -- Jaquet, Trail. Total -- 2.

Paired Vote:

AYE -- Mitchell. NAY -- Andrus.

(Pair enumerated in roll call above.)

Total -- 70.

Whereupon the Speaker declared **H 421**, as amended in the Senate, passed the House. Title was approved and the bill was referred to Judiciary, Rules, and Administration Committee for enrolling.

There being no objection, the House advanced to the Thirteenth Order of Business.

Miscellaneous and Unfinished Business

Mr. Stevenson asked unanimous consent that the following Statement of Intent and Stipulation be entered in the House Journal. There being no objection, it was so ordered.

STATEMENT OF INTENT

Presented by Representative Stevenson

Since the defeat of House Bill 800, it was confirmed that Idaho Power Company voluntarily subordinated its hydropower water rights to Water Right Permit Nos. 01-7054 and 37-7842 as part of the Swan Falls Water Right Agreement, dated October 25, 1984. Water Right Permit No. 01-7054 is for diversion of water from the Snake River above Milner in the amount of 1,200 c.f.s. and has a priority date of August 25, 1980. Water Right Permit No. 37-7842 is for diversion of 800 c.f.s. of water from the Big Wood and Little Wood Rivers and carries a priority date of August 25, 1980.

Today, the State of Idaho and Idaho Power Company entered into a Stipulation in which the Company expressly acknowledges that its hydropower water rights are subordinated to Water Right

Permit Nos. 01-7054 and 37-7842 and agrees to not oppose the exercise of these water rights on the basis of priority, the Swan Falls Agreement, or Idaho Code Sections 42-234, 42-4201 and 42-4201A. This Stipulation was filed today with the Idaho Department of Water Resources and will be memorialized in all of the affected water rights.

It is important to note that this Stipulation only resolves a portion of the dispute regarding the effect of the Swan Falls Agreement on recharge. The parties continue to disagree on whether Idaho Power Company voluntarily subordinated its hydropower water rights to aquifer recharge in excess of Water Right Permit Nos. 01-7054 and 37-7842 as part of the Swan Falls Agreement and also on the effect of the 1994 Amendments to Idaho Code Sections 42-234 and 42-4201A. This Stipulation preserves the parties respective positions on these disputes, and the parties have agreed through this Stipulation that such issues will be resolved through litigation, if necessary. This Stipulation expressly provides that neither this Stipulation nor Idaho Code Sections 42-234, 42-4201 or 42-4201A shall bar the litigation of any issues regarding the interpretation of the Swan Falls Agreement.

This Stipulation is a first step in unraveling the recharge dispute that exists between Idaho Power Company and the State. As responsible parties should, we have resolved those issues upon which we could agree and have agreed to submit to a court, if necessary, those issues upon which we could not agree.

STIPULATION

April 11, 2006

The Idaho Power Company and the State of Idaho ("State") hereby stipulate and agree, by and through their respective undersigned counsel, as follows:

- 1) Stipulation Regarding Water Right Permit Nos. 01-7054 and 37-7842: Recognizing that Water Right Permit Nos. 01-7054 and 37-7842 are subject to the Swan Falls Settlement –
 - a) The Company agrees that its water rights are subordinated to water rights nos. 01-7054 and 37-7842 pursuant to the terms of the Swan Falls Agreement and will neither contest nor otherwise oppose the exercise of those water rights on the basis of priority, the Swan Falls Agreement, or I.C. §§ 42-234, 42-4201 and 42-4201A. The Company further agrees that those water rights may be exercised in a manner consistent with state law.
 - b) The parties agree that all provisions of the Swan Falls Agreement and the implementing legislation shall continue to apply to Water Right Permit Nos. 01-7054 and 37-7842, including I.C. §§ 61-539 and 61-540 for the benefit of Idaho Power Company.
 - c) The parties further agree that in the event that the Idaho Water Resource Board (IWRB) seeks to have said permits licensed or decreed, that the Company will not file a protest or objection in such proceedings, but that the State, in recognition of its obligations under the Swan Falls Agreement and state law, through the Idaho Department of Water Resources (IDWR), will appropriately investigate such permits to ensure that they meet applicable requirements and that the licensed or decreed water rights fully comply with state law.
- 2) Further Proceedings Relating to the Swan Falls Agreement.

The parties agree that in the event that there are disagreements or disputes between the parties as to the interpretation or application of the Swan Falls Agreement that they will endeavor to resolve those disagreements through informal discussions and negotiation. In the event that the parties are unable to resolve any such disagreements to their mutual satisfaction, either party, after notice to the other, may file a petition for declaratory relief with a court of appropriate jurisdiction to have the disagreement resolved and the Swan Falls Agreement interpreted and neither this Stipulation nor I.C. §§ 42-234, 42-4201, or 42-4201A shall act as a bar to the filing of such action.

- 3) Request for Recognition of the Stipulation. The parties agree to submit this Stipulation in all administrative and judicial proceedings involving the recognition of Water Right Permit Nos. 01-7054 and 37-7842 and to jointly present affidavits and such other evidence as may be required for the recognition of the Stipulation.
- 4) Defense of Stipulation. The parties agree to jointly support and defend the terms of the Stipulation against any and all objections or other challenges that may arise against the terms of the Stipulation in any administrative or judicial proceeding.
- 5) Stipulation Does Not Affect Statutory or Regulatory Authority. The parties agree that nothing in this Stipulation shall be construed or interpreted to affect the authority of the State as provided by constitution, statute or regulation. Nor shall this Stipulation be construed or interpreted to affect the rights of any person not a party to the Stipulation.
- 6) Stipulation Not to be Used Against Parties. Except as provided herein, neither party by entry into this Stipulation waives any legal position or arguments it may have regarding any legal disputes that may exist between the parties. Nothing in this Stipulation shall be construed as an admission against interest or tendered or used as evidence to support or oppose any party's claims or objections in any administrative or judicial proceeding, other than those seeking approval of the Stipulation, for interpretation, enforcement or administration of this Stipulation or for a purpose contemplated by Idaho Rule of Evidence 408.
- 7) Stipulation is Binding. The terms of this Stipulation shall bind and inure to the benefit of the respective successors of the parties.
- 8) Mutual Covenants of Authority. The parties represent and acknowledge that each of the undersigned is authorized to execute this Stipulation on behalf of the party they represent.
- 9) Non-Severability. The provisions of this Stipulation are not severable.
- 10) Triplicate Originals. This Stipulation is executed in triplicate. Each of the three Stipulations with an original signature of each party shall be an original. The parties have executed this Stipulation on the date following their respective signatures.

FOR THE STATE OF IDAHO, including THE IDAHO WATER RESOURCE BOARD:

Date: April 11, 2006

/s/ LAWRENCE G. WASDEN,

Attorney General
State of Idaho

FOR IDAHO POWER COMPANY:

Date: April 11, 2006

/s/ JAMES C. TUCKER
Idaho Power Company

There being no objection, the House returned to the Fifth Order of Business.

Report of Standing Committees

April 11, 2006

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled **H 421**, as amended in the Senate.

FIELD(18), Chairman

The Speaker announced he was about to sign enrolled **H 421**, as amended in the Senate, and, when so signed, ordered it transmitted to the Senate for the signature of the President.

April 11, 2006

Mr. Speaker:

We, your COMMITTEE ON TRANSPORTATION AND DEFENSE, report that we have had under consideration **H 854** and recommend that it do pass.

WOOD, Chairman

H 854 was filed for second reading.

There being no objection, the House advanced to the Seventh Order of Business.

Motions, Memorials, and Resolutions

Mr. Denney moved that all rules of the House interfering with the immediate consideration of **H 854** be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that **H 854** be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Saylor.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Brackett, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring,

Ringo, Roberts, Rusche, Rydalch, Saylor, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Wills, Wood, Mr. Speaker. Total -- 65.

NAYS -- None.

Absent and excused -- Ellsworth, Jaquet, Mitchell, Sali, Trail. Total -- 5.

Total -- 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and **H 854** was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Skippen to open debate.

The question being, "Shall **H 854** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Bastian, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Brackett, Cannon, Chadderdon, Clark, Collins, Deal, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Kemp, Martinez, McKague, Miller, Moyle, Nonini, Pasley-Stuart, Pence, Ring, Ringo, Rusche, Sali, Saylor, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smylie, Snodgrass, Stevenson, Wills. Total -- 49.

NAYS -- Barrett, Bayer, Bradford, Crow, Denney, Lake, LeFavour, Loertscher, Mathews, McGeachin, Mitchell, Nielsen, Raybould, Roberts, Rydalch, Schaefer, Smith(24), Wood, Mr. Speaker. Total -- 19.

Absent and excused -- Jaquet, Trail. Total -- 2.

Paired Votes:

AYE -- Sali. NAY -- Bayer.

AYE -- Collins. NAY -- Mitchell.

(Pairs enumerated in roll call above.)

Total -- 70.

Whereupon the Speaker declared **H 854** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

There being no objection, the House returned to the Fourth Order of Business.

Consideration of Messages from the Governor and the Senate

April 11, 2006

Mr. Speaker:

I return herewith enrolled **H 421**, as amended in the Senate, which has been signed by the President.

WOOD, Secretary

Enrolled **H 421**, as amended in the Senate, was referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

April 11, 2006

Mr. Speaker:

I transmit herewith **S 1502** which has passed the Senate.

WOOD, Secretary

S 1502 was filed for first reading.

There being no objection, the House advanced to the Eighth Order of Business.

**Introduction, First Reading, and Reference
of Bills and Joint Resolutions**

S 1502, by State Affairs Committee, was introduced, read the first time by title, and referred to the Revenue and Taxation Committee.

There being no objection, the House returned to the Seventh Order of Business.

Motions, Memorials, and Resolutions

Mr. Denney asked unanimous consent that committees be appointed by the Speaker to notify the Governor and the Senate that the House is ready to adjourn Sine Die. There being no objection, it was so ordered.

The Speaker appointed Representatives Field(23), Crow, and Martinez to notify the Governor and Representatives Cannon, Bastian, and Sayler to notify the Senate.

The committees were excused.

The committee appointed to notify the Governor reported that it had delivered the message to the Governor. The committee was thanked and discharged by the Speaker.

The committee appointed to notify the Senate reported that it had delivered the message to the Senate. The committee was thanked and discharged by the Speaker.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Denney moved that the House of Representatives of the Second Regular Session of the Fifty-eighth Legislature of the State of Idaho adjourn Sine Die. Seconded by Mr. Sayler.

Whereupon the Speaker declared the motion carried and the House of Representatives of the Second Regular Session of the Fifty-eighth Legislature of the State of Idaho adjourned Sine Die at 7:05 p.m., April 11, 2006.

BRUCE NEWCOMB, Speaker

ATTEST:

PAMM JUKER, Chief Clerk

H 421, as amended in the Senate, was transmitted to the Governor at 11:25 a.m., as of this date, April 12, 2006.

H 851 and **H 854** were returned from the Senate passed, enrolled, signed by the Speaker, signed by the President, and transmitted to the Governor at 11:25 a.m., as of this date, April 12, 2006.

HJM 26 was returned from the Senate adopted, enrolled, signed by the Speaker, signed by the President, and transmitted to the Secretary of State at 11:29 a.m., as of this date, April 12, 2006.

OFFICE OF THE GOVERNOR
Boise

April 12, 2006

The Honorable Bruce Newcomb
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House Bills, to wit:

H 421, as amended in the Senate, **H 861**, **H 865**, **H 866**, **H 869**, **H 870**, **H 871**, **H 872**, **H 873**, and **H 877**

/s/
Very truly yours,
DIRK A. KEMPTHORNE
Governor

OFFICE OF THE GOVERNOR
Boise

April 13, 2006

The Honorable Bruce Newcomb
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House Bills, to wit:

H 875 and **H 673**, as amended in the Senate

/s/
Very truly yours,
DIRK A. KEMPTHORNE
Governor

OFFICE OF THE GOVERNOR
Boise

April 14, 2006

The Honorable Bruce Newcomb
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and

am transmitting to the Secretary of State the following House Bills, to wit:

H 851, H 854, H 868, and H 874

Very truly yours,
/s/ DIRK A. KEMPTHORNE
Governor

CERTIFICATE

WE, BRUCE NEWCOMB, Speaker of the House of Representatives, and PAMM JUKER, Chief Clerk, do hereby certify and attest as follows:

That we have carefully compiled in the House Journal of the Second Regular Session of the Fifty-eighth Legislature all of the proceedings of the Ninety-third Legislative Day, and that the said Journal contains a full, true, and correct record of all of the proceedings of said House of Representatives for said day and final action upon all legislation.

IN WITNESS WHEREOF, we have hereunto set our hands, this 18th day of April, 2006.

BRUCE NEWCOMB, Speaker

Attest:

PAMM JUKER, Chief Clerk